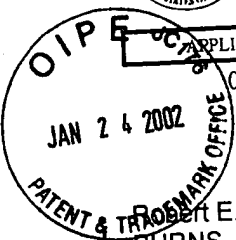




## UNITED STATES PATENT AND TRADEMARK OFFICE

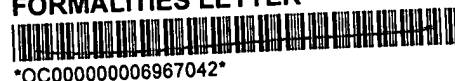
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov



| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/973,951         | 10/11/2001          | Thomas J. Whalen      | 018413-386             |

CONFIRMATION NO. 7400

FORMALITIES LETTER



\*OC000000006967042\*

Robert E. Krebs, Esq.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

Date Mailed: 10/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- The signature of the following inventor(s) is missing from the oath or declaration:  
*Tran, Chinh N.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 435.

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

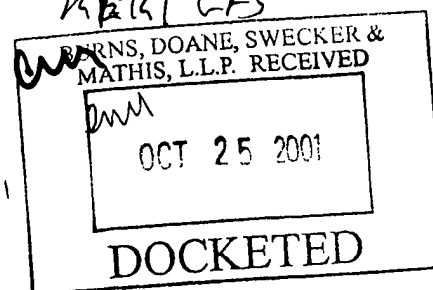
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

01/30/2002 HTECKLU1 00000026 09973951

01 FC:201  
02 FC:205

370.00 OP  
65.00 OP

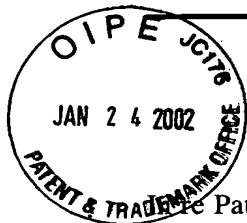


Basic Filing fee, Declaration due

12/24/01

11/2/01 → GRS

01-28-02 ✓  
\$Sector #3  
"Express Mail" mailing label No. EL901836562US  
Date of Deposit : January 24, 2002



Patent  
Attorney's Docket No. 018413-386

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of )

Thomas WHALEN, et al. )

Application No.: 09/973,951 )

Filed: October 11, 2001 )

For: NOVEL HIGH VISCOSITY )  
EMBOLIZING COMPOSITIONS )

Group Art Unit: 1619

Examiner: Unassigned

**TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION**

**BOX: MISSING PART**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application Under 37 C.F.R.

§ 1.53(b) dated October 24, 2001, enclosed please find:

- ☐ a Combined Declaration and Power of Attorney signed by the inventor(s) and the surcharge of ☐ \$65.00 (205) ☐ \$130.00 (105) as set forth in 37 C.F.R. § 1.16(e);
- ☐ Note that the inventor(s) identified on the currently filed Combined Declaration and Power of Attorney are different than listed on the application filing papers.
- ☐ a Request for Refund;
- ☒ a Petition for One Month Extension of Time;
- ☐ a verified English translation of the Application, and the \$130.00 (139) fee as set forth in 37 C.F.R. § 1.17(k);
- ☐ an Assignment document and a separate check for the Assignment recordation fee;
- ☒ A Response to Missing Parts on Nonprovisional Application with Exhibits 1 and 2.

- ☒ a check in the amount of \$ 490.00 which includes \$370.00 for the fee due for missing parts, a \$65.00 surcharge fee; and \$55.00 fee for a one month extension; and
- ☐ charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due for missing parts.
- ☒ Small entity status is hereby claimed.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(650) 622-2300

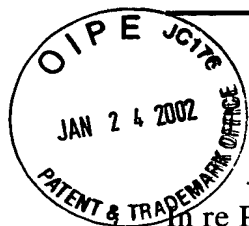
By: 

Robert E. Krebs

Registration No. 25,885

Date: January 24, 2002

"Express Mail" mailing label No. EL 901836562US  
Date of Deposit: January 24, 2002



Patent  
Attorney's Docket No. 018413-386

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
THOMAS J. WHALEN, et al. )  
Application No. 09/973,951 ) Group Art Unit: 1619  
Filed: October 11, 2001 ) Examiner: Unassigned  
For: NOVEL HIGH VISCOSITY )  
EMBOLIZING COMPOSITIONS )

**RESPONSE TO MISSING PARTS OF NONPROVISIONAL APPLICATION**

**BOX: MISSING PART**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing of Nonprovisional Application Under 37 C.F.R. § 1.53(b) dated October 24, 2001, Applicants hereby submit the following:

The instant application is a divisional patent application from U.S. Patent Application Serial No. 09/574,379, (the "'379 Application"), filed May 19, 2000. The inventors remain unchanged. Pursuant to a notice to file missing parts dated July 27, 2000 for the '379 Application, applicants filed a petition under 37 C.F.R. §1.47(a) when inventors refuse to sign or cannot be located on February 27, 2001 (with a 5 month extension of time). (Exhibit "1" attached.) This action was a result of inventor Chinh N. Tran's refusal to sign the declaration. Notwithstanding his refusal, on March 28, 2001, the Office of Petitions granted applicant's petition under 37 C.F.R. §1.47(a). (Exhibit "2" attached.)

Application Serial No. 09/973,951  
Attorney's Docket No. 018413-386

As noted above, this application is a divisional of its parent application wherein relief has already been granted with regards to the absence of the executed Declaration of Inventor Tran. Applicants respectfully request that this application be accepted under 37 C.F.R. §1.47(a) without the executed Declaration of Inventor Tran.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Robert E. Krebs

Registration No. 25,885

P.O. Box 1404  
Alexandria, VA 22313-1404  
Phone: (650) 622-2300

Date: January 24, 2002